



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

Via DelaFile

July 16, 2019

Donna L. Nickerson, Secretary  
 Delaware Public Service Commission  
 861 Silver Lake Boulevard  
 Cannon Building, Suite 100  
 Dover, Delaware 19904

**RE: CPCN Abandonment: 09-CPCN-07**

Dear Ms. Nickerson:

The Artesian Water Company, Inc. ("AWC") requests the authority to abandon the responsibility to provide water service to certain tax parcels located in the area commonly known as the Town of Ellendale ("Town"). AWC intends to abandon its water Certificate of Public Convenience and Necessity ("CPCN"), with all of the rights and obligations under current law for the following tax parcel numbers as described in Order 7624, Docket No. 09-CPCN-07 which was granted on August 18, 2009:

<b>Tax Parcel Nos.:</b>	230-26.00-29.00	230-31.00-67.00	230-31.00-79.00
	230-31.00-37.00	230-31.00-68.00	230-31.00-93.00
	230-31.00-40.00	230-31.00-72.00	230-31.00-127.00
	230-31.00-45.00	230-31.00-75.00	230-31.00-161.00
	230-31.00-53.00	230-31.00-77.00	

AWC is only seeking to abandon the tax parcels referenced above. All remaining tax parcels included in Order 7624 will remain in the Company's certificated water service territory. Attached as Exhibit A is a map showing the parcels to be abandoned.

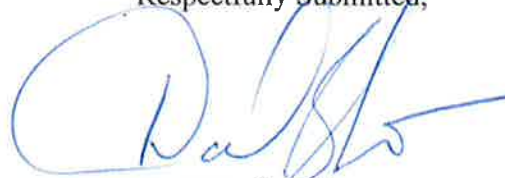
Subsequent to the CPCN being granted in Docket No. 09-CPCN-07, tax parcel #'s 230-31.00-40.00 and 53.00 were combined with other parcels. Tax parcel # 230-31.00-40.00 was combined with parcel # 230-31.00-40.05 which was certificated in Docket No. 09-CPCN-33. Tax parcel #230-31.00-53.00 was combined with uncertificated tax parcel #230-31.00-55.00. The combining associated with tax parcels 230-31.00-40.00 and 53.00 causes the tax map included in Exhibit A to show partial CPCN's. Artesian's abandonment request reflects only the portion of both properties originally certificated in Docket No 09-CPCN-07. Attached as Exhibit B are the Sussex County property records reflecting the parcel number changes.

AWC believes the abandonment is reasonable for the following reasons: (1) AWC does not currently provide water service to any of the tax parcels to be abandoned; (2) The abandonment is necessary because Sussex County ("County") passed Resolution No. R 015 18 establishing the Ellendale Water District ("Water District") so that the County could take the necessary steps to provide safe reliable drinking water to Town residents (See Exhibit C); (3) AWC and the Town entered into a Water Service Agreement ("Agreement") where AWC will sell water to County so that it can in turn provide water service to the Town (See Exhibit D); (4) As part of the Agreement, AWC agreed to abandon certain tax parcels so the County could obtain the CPCN rights for the Water District; (5) The abandonment will not be unduly disruptive to the present convenience and necessity because no existing AWC customers are located within the tax parcels to be abandoned.

On April 5, 2019 the County notified Town residents of the Water District Resolution and that the County would file an application with the Delaware Public Service Commission seeking the CPCN rights for properties located in the newly formed Water District. Attached as Exhibit E is copy of the notification that was delivered via certified mail to Water District residents.

Based on the information provided above, Artesian Water Company, Inc. requests expedited treatment for abandoning the listed tax parcels from its CPCN so that Sussex County can move forward with its CPCN application and begin to provide water service to the Town of Ellendale residents. If you should have any questions or require additional information, please do not hesitate to contact Scott Stephan at 302-453-6986.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. Spacht", with a large, stylized initial "D" and a horizontal flourish extending to the right.

David B. Spacht,  
Artesian Water Company, Inc.  
Chief Financial Officer & Treasurer

## AFFIDAVIT OF GENERAL COMPLIANCE

I, David B. Spacht, being duly sworn or affirmed according to law, deposes and states as follows:

1. He is the CFO and Treasurer of Artesian Water Company, Inc.;
2. That he is authorized to and does make this affidavit for said applicant;
3. That the applicant herein certifies to the Public Service Commission ("PSC") under penalty of perjury that:
  - a. The applicant agrees to comply with and be subject to the jurisdiction of the PSC of the State of Delaware for the purposes set forth in 26 Del. C. §§ 114(b) and (c), 205(a), 207, 212, and 217 and any other applicable Delaware Code sections and Regulations.
  - b. The Affiant further certifies that he has personally examined and is familiar with all information contained in the foregoing application, including any attachments and appendices, and further certifies that such information is true, correct, and complete.

  
Signature of Affiant

DAVID B SPACHT  
Printed name of Affiant

State of Delaware                     )  
  )  
County of New Castle               )     ss.

This instrument was acknowledged before me on this 16<sup>th</sup> day of

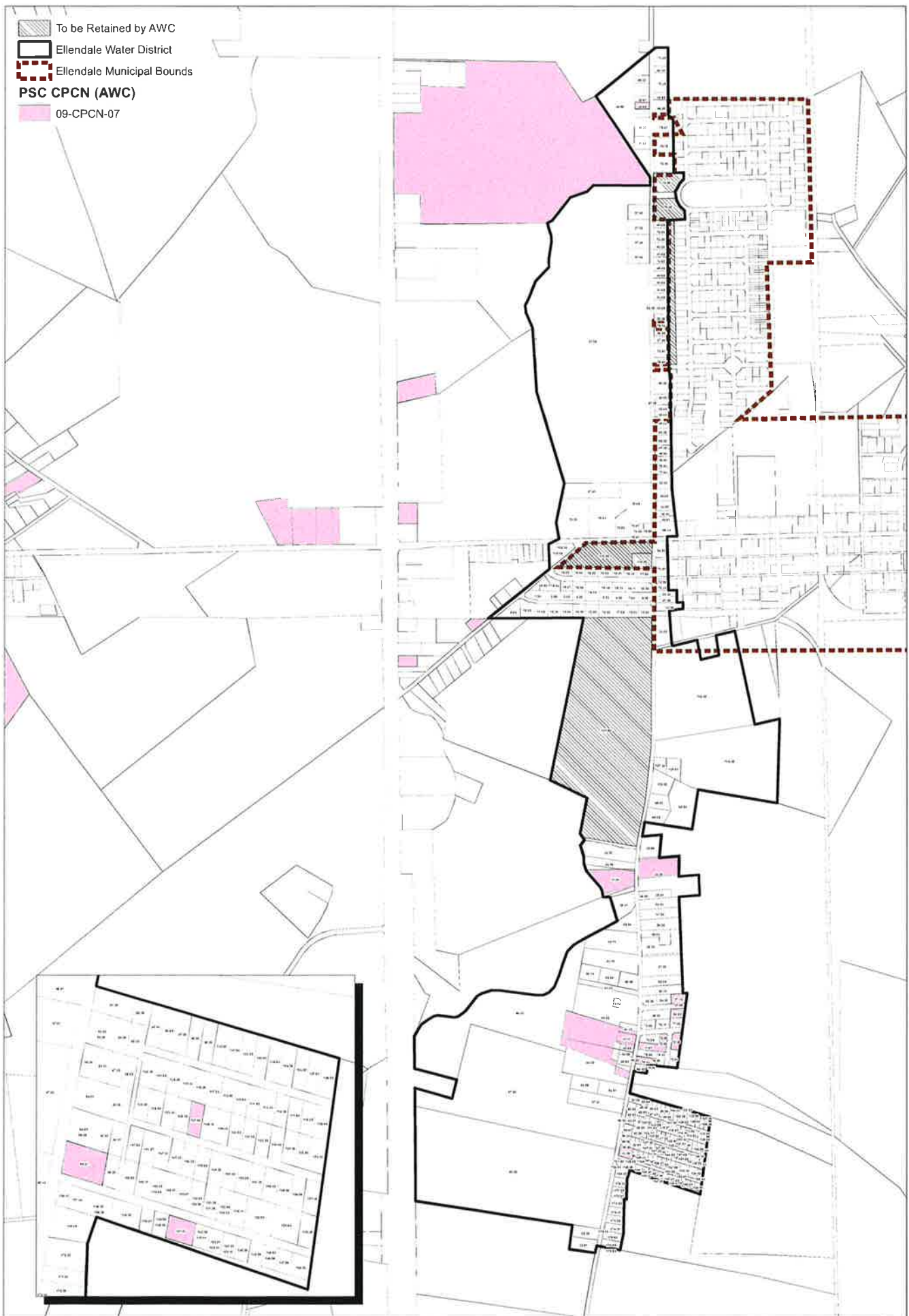
July, 2019, by David B. Spacht as CFO and Treasurer of Artesian Water Company, Inc.



 (SEAL)  
Signature of Notarial Official

NOTARY PUBLIC  
(Title and rank)

My commission expires: March 14, 2020



Ellendale\_09\_CPCN\_07.mxd

# **EXHIBIT C**

**RESOLUTION NO. R 015 18**

**ELLENDALE WATER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9,  
CHAPTER 65 OF THE DELAWARE CODE**

**WHEREAS, the eligible voters of the proposed Ellendale Water District approved the creation of the water district by a vote of 81 to 21 in an election held on September 15, 2018; and**

**WHEREAS, Title 9, Delaware Code, Section 6507 requires the County Council to issue a determination of the water district within 12 months of its approval by the eligible voters;**

**NOW, THEREFORE, BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Ellendale Water District have approved the creation of said district, that the description of the Ellendale Water District is described below; and that the said district is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code; and**

**BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and rights-of-way by purchase, agreement or condemnation in accordance with the existing statutes; and**

**BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any structures required to provide for the safe distribution of drinking water to all parcels in the water district; and**

**BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the water district.**

# **EXHIBIT E**



## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



## Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

March 21, 2019

XXXXXXXXXXXX

XXXXXXXXXXXX

XXXXXXXXXXXX

Tax Map & Parcel: XXX-XXXX-XXXX

Dear Property owner,

Sussex County Council established the voter approved Ellendale Water District in September 2018. Delaware State Law requires Sussex County Council to file for a Certificate of Public Convenience and Necessity (CPCN) to legally provide potable water service. You are receiving this letter as the process mandates notification to all landowners within the district.

County records list you as owner(s) of the property identified above which is in the established water district. This letter is to inform you that Sussex County will file an application according to Title 26 Del. C § 203C with Delaware Public Service Commission requesting issuance of a CPCN.

Delaware Department of Health and Social Services (DHSS) has historic results from random sampling events documenting widespread evidence that the water quality in the District does not meet the Safe Drinking Water Act's, primary and secondary standards set for human consumption. Therefore, the County will be filing under the provisions of Title 26 Del. C § 203C (d)(2)a referencing the DHSS documentation.

Should you have any questions regarding this process please contact the Engineering Department at 302-855-7718 for assistance.

Sincerely,

Hans Medlarz P.E.  
Sussex County Engineer



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947